



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

NOV 15 2019

Mackenzie Farkus
MuckRock News
DEPT MR 82863, 411A Highland Ave
Somerville, MA 02144

Re: FOIA-2020-00152
Better App; Get Better, Inc.

Dear Mackenzie Farkus:

This is in response to your request dated November 4, 2019 under the Freedom of Information Act seeking access to complaints filed with the FTC regarding Better/Better App/Better Claims/GetBetter.co. In accordance with the FOIA and agency policy, we have searched our records on November 13, 2019.

Your request did not indicate an agreement to pay any fees associated with the processing of your request. However, the Commission's fee regulations specify that fees less than \$25 will be waived. *See 16 C.F.R. § 4.8(b)(4)*. Because the fees associated with the processing of your request did not exceed \$25, we have processed your request free of charge. In the future, please provide a fee agreement to facilitate the processing of your request.

We have located 695 responsive complaints that consumers have made to the Federal Trade Commission ("FTC"). You should know that the enclosed complaints have not necessarily been verified by the FTC. Therefore, you should make your own judgment about relying on the information provided. I am denying access to consumers' names and addresses, and any other identifying information found in the complaints. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

We are unable to provide all of the consumer comment fields. As a courtesy, we provided a sample of 200 consumer comments in the complaint records. "Comment" data fields are populated entirely at the discretion of consumers, and the resulting narratives often include personal and identifying information that is exempt from public disclosure. When a record includes exempt and non-exempt information, the agency will take "reasonable steps" to "segregate and release nonexempt information." 16 C.F.R. § 4.11 (a)(1)(iii)(A). But when doing so would impose an *unreasonable* burden on the agency, the agency need not segregate nonexempt information and may instead withhold the information in full.^[1] *See Ayuda, Inc. v. FTC*, 70 F. Supp. 3d 247, 276-77 (D.D.C. 2014). Manually reviewing hundreds, at times thousands of consumer comments would constitute an undue burden on the agency. Rather than withhold the "Comment" fields entirely, we provided you with a reasonable sample.

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission,

600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, or via email at FOIAAppeal@ftc.gov, within 90 days of the date of this letter. Please enclose a copy of your original request and a copy of this response.

You also may seek dispute resolution services from the FTC FOIA Public Liaison Richard Gold via telephone at 202-326-3355 or via e-mail at rgold@ftc.gov; or from the Office of Government Information Services via email at ogis@nara.gov, via fax at 202-741-5769, or via mail at Office of Government Information Services (OGIS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740.

If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Breona Woods at 202-326-2758.

Sincerely,



Dione J. Stearns
Assistant General Counsel